

REMARKS

Claims 66-100 and 102-136 are pending in this application. Claims 130-136 are independent claims. Claims 130-133 have been amended, and claims 134-136 have been added, by this Amendment.

The Office Action dated May 18, 2007 objected to claim 86 because of an informality and rejected claim 102 as being indefinite under 35 U.S.C. 112, second paragraph. The Office Action also rejected claims 66-100 and 102-133 as being rendered obvious by prior art under 35 U.S.C. 103(a).

Claim Objection

The objection to claim 86 is set forth in part 1 on page 2 of the Office Action. The objection asserts that there is an informality and that "the" should be inserted between "to" and "network" in line 2 of claim 86. However, there appears to be an oversight. The word "the" does indeed appear between "to" and "network" in line 2 of claim 86, as amended by the Amendment on August 23, 2006.

Indefiniteness Rejection

The rejection of claim 102 as being indefinite under 35 USC 112, second paragraph, is set forth in part 3 on page 2 of the Office Action. Specifically, it is asserted that there is insufficient antecedent basis for the limitation "said external network" in line 2 of claim 102. Applicants have amended claim 102 to change "external network" to "external element". Claim 102 is dependent on claim 130 and claim 130 recites an external element. Applicants thus respectfully submit that the indefiniteness amendment has been overcome by this Amendment.

Obviousness Rejection

The grounds for the obviousness rejection of claims 66-100 and 102-133 is set forth in part 5 on pages 2-13 of the Office Action. The claims are rejected as being obvious over the preferred embodiments discussed on pages 14-16 of WO 99/04582 by Ludwig et al (these embodiments are hereinafter referred to simply as "Ludwig") in view of U.S. Patent No. 6,360,102 issued to Havinis et al. Applicants respectfully traverse the stated grounds of rejection at least because it does not establish that the applied references suggest each and every one of the combination of features recited in the rejected claims.

For example, independent claim 130 recites that one of said first station and said at least one network element "is provided with a dedicated address arranged to receive a request from said external element as to the location of the first station, wherein any request received at said dedicated address is a position request." The other independent claims (claims 131-133) recite substantially similar features.

The rejection apparently acknowledges that these features are not present in Ludwig, but states that it would have been obvious to modify Ludwig such that "generating a request to a location center, to provide the exact location of the mobile with prior identification of the requester in order to provide security and privacy to the mobile station." The source of the motivation to modify Ludwig is not explicitly stated, but it is noted that the prior paragraph asserts that col. 6, lines 25-33 and 53-56, of the Havinis et al patent teaches "positioning request by external elements such as location applications; i.e. taxi companies, emergency agencies, which request a position of a mobile station (i.e., first station) to a GMLC, a network element." It is therefore assumed that the rejection concludes that the cited portion of the Havinis et al patent would motivate one to make the proposed modification of Ludwig.

Putting aside initially the question of the motivation for the modification of Ludwig, it is noted that the rejection fails (at least explicitly) to address all of the features in the rejected claims apparently acknowledged to be missing from Ludwig. Specifically, the rejection does not address the features of a dedicated address arranged to receive a request from said external element as to the location of the first station,

wherein any request received at said dedicated address is a position request. Since these features are admittedly not suggested by the Havinis et al patent or other prior art, the obviousness rejection should be withdrawn at least for this reason. If it is desired to assert that these features are suggested by the Havinis et al patent or other prior art, then such reliance should be indicated and applicants will then respond thereto.

Returning to the issue of the motivation for the selective modification of Ludwig proposed in the rejection in view of the Havinis et al patent, applicants respectfully submit that the rejection fails to consider the Havinis et al patent as a whole and that, when taken as a whole, the Havinis et al patent does not suggest the selective modification of Ludwig proposed in the rejection. The Havinis et al patent teaches a technique in which a mobile subscriber may define a subscriber location privacy profile (SLPP) containing a list of preferred subscribers that have permission to position the mobile subscriber. In particular, it discusses an external location application (LA) which may make a request for the position of a mobile station. Upon this request, the SLPP is used by the mobile network to determine whether the LA is authorized to access the position of the mobile device, although there is discussion of an emergency override. It thus appears that what the Havinis et al patent would suggest to one of ordinary skill in the art is the modification of Ludwig to include the use of a subscriber location privacy profile. The Havinis et al patent fails to make any mention of a dedicated address being provided for a location request from this external LA.

The portion at col. 6, lines 53-56, of the Havinis et al patent cited in the rejection states that "the requesting LA 580 can send its LAIN 595 in a positioning request 582, specifying the particular MSISDN 588 associated with the particular MS 500 to be positioned (step 615) to the GMLC 590." Thus, the Havinis et al patent states that the location request of a location application should specify an MSISDN. The specification of an MSISDN would not be necessary if the position request was to be sent to a dedicated address arranged to receive the location request as recited in the claims. Thus, the Havinis et al patent actually suggests something different than, and thus teaches away from, the recited feature in the claimed invention.

It was the inventors of this application, and not Havinis, who recognized that a request for the location of a mobile station identified by an IP address may not be

immediately accessible to a location server which has knowledge of an MSISDN. See, for example, page 2, 4th paragraph, of the specification. Since the mobile station or other network element associated with the dedicated address will have knowledge of the mobile station's MSISDN, a location procedure can be performed in a timely fashion. It is thus the inventors who invented the claimed invention having the recited feature of a dedicated address arranged to receive the location request as recited in the claims. As explicitly stated in the claims, this dedicated address identifies that the request is a location request.

New independent claims 134-136 are added by this Amendment. These claims are substantially similar to the existing independent claims are submitted to be allowable for at least substantially the same reasons.

The Commissioner is hereby authorized to charge the fees for new claims 134-136, and any additional fees necessary for the consideration of this Amendment or to avoid abandonment of this application, to Deposit Account No. 10-0100 (Docket No. NOKIA.4009US).

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Date

Respectfully submitted,


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